

DEC 28 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE ORTIZ,

Defendant - Appellant.

No. 05-50744

D.C. No. CR-00-03106-IEG

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Irma E. Gonzalez, Chief District Judge, Presiding

Submitted December 3, 2007<sup>\*\*</sup>

Before: GOODWIN, WALLACE and FISHER, Circuit Judges.

Jose Ortiz appeals from his jury-trial conviction and 120-month sentence for importation of marijuana, possession of marijuana with intent to distribute, and bail jumping, in violation of 21 U.S.C. §§ 841(a)(1), 952 and 960, and 18 U.S.C.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 3146. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Ortiz's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.